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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined fifth and sixth periodic reports of States parties due in 2016

Panama*

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Introduction

(i) The present document contains the combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child, which was prepared in accordance with the treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44 (1) (b) of the Convention on the Rights of the Child – adopted by the Committee on the Rights of the Child at its sixty-fifth session, held from 13 to 31 January 2014 (CRC/C/58/Rev.3) – and with reference to the concluding observations on Panama adopted by the Committee at its 1668th meeting, held on 7 October 2011.

(ii) In accordance with the obligations under the Convention, the content of this report covers the period from 2011 to 2015.

(iii) The present report has been prepared by means of a multisectoral participatory process involving public institutions, civil society and the corporate sector. This is the first time that Panama has engaged in this kind of process. The report was compiled by the National Standing Committee on the Implementation of and Follow-Up to the Human Rights Commitments Made by Panama at the National and International Levels,[1] which is responsible for coordinating the preparation of the reports that the State is required to submit to the United Nations human rights treaty bodies.

(iv) The National Standing Committee established a subcommittee on the rights of children and young persons, which is made up of representatives of the following bodies: the Ministry of Foreign Affairs, which chairs the National Standing Committee and acts as its technical secretariat; the Ministry of the Interior; the Ministry of Education; the Ministry of the Presidency; the Ministry of Health; the Ministry of Labour; the Ministry of Social Development; the Ministry of Public Security; the National Assembly; the Supreme Court; the Ombudsman's Office; the National Statistics and Census Institute of the Comptroller-General's Office; the National Secretariat for Children, Young Persons and the Family; the National Secretariat for Disability; the National Directorate of the Civil Registry of the Electoral Tribunal; the National Institute of Culture; the Panamanian Institute of Sports; the National Commission for the Prevention of Crimes of Sexual Exploitation; the Committee for the Eradication of Child Labour and the Protection of Adolescent Workers; the Committee for the Prevention of Human Trafficking; the Observatory for the Rights of Children and Young Persons; the National Institute for Women; the Institute for the Development of Women and Children; the Corporate Social Responsibility Programme of the National Council of Private Enterprise; and the Association for the Promotion of Corporate Social Responsibility in Panama.

General situation in the country

A. Demographic situation

(i) According to the 2010 census, Panama has a population of 3,504,483 inhabitants. It is estimated that, as at 2016, the population has reached 4,037,043.

[1] Executive Decree No. 7 of 17 January 2012 establishing the National Standing Committee on the Implementation of and Follow-Up to the Human Rights Commitments Made by Panama at the National and International Levels. Official Gazette No. 26953-A.

(ii) The population of Panama is relatively young: 34.5 per cent of the inhabitants are under 18 years of age, while 6.6 per cent are over 64 years of age. In 2010, the total number of children under 18 years of age was 1,208,529 (616,980 male and 591,549 female).

(iii) The main indigenous groups in the country are the Ngäbe (63.2 per cent), the Guna (19.6 per cent), the Emberá (7.6 per cent), the Buglé (6.1 per cent), the Wounaan (1.8 per cent), the Teribe/Naso (1.0 per cent), the Bokota (0.5 per cent) and the Bri Bri (0.3 per cent) (National Statistics and Census Institute, 2010).

(iv) Due to its geographic location, Panama has become home to individuals of various nationalities, ethnicities and cultures.

B. Economic situation

(v) Panama is one of the countries in the region that has managed to maintain sustained economic growth in recent decades. In 2014, the country's gross domestic product (GDP) was US$ 46.2 billion, representing 6.1 per cent growth. In August 2015, the total unemployment rate was 5.1 per cent. The service-based economy will benefit from the expansion of the Panama Canal. Public investment has resulted in the development of major productive infrastructure and public services.[2]

(vi) The most difficult economic conditions in the country are seen in indigenous areas, which suffer from high rates of poverty and extreme poverty, gaps in public services, and social, cultural and political exclusion.

C. Poverty and the distribution of income

(i) In recent years, as a result of the significant progress achieved in the economic, social and labour fields, Panama has reached its target – stated in its fourth country report on the implementation of the Millennium Development Goals – of halving, from 1990 to 2015, the percentage of the population living on less than one balboa per day.

(ii) According to the Ministry of the Economy and Finance, which bases its information on household surveys conducted by the National Statistics and Census Institute, as at March 2015, 17.5 per cent of households in the country and 23 per cent of inhabitants were living in poverty or with insufficient income to meet their basic needs for food and other necessities. In 2011, these figures had stood at 21.8 per cent and 27.6 per cent respectively. As at March 2015, the number of households and inhabitants living in extreme poverty or with insufficient income to cover their minimum food requirements stood at 7.1 per cent and 10.3 per cent respectively (compared with 8.4 per cent and 11.5 per cent in 2011).

(iii) The sustained and widespread economic growth experienced in all sectors and throughout the country has given rise to social progress. Hundreds of jobs have been created, while the rate of open unemployment, or unemployment due to market conditions, dropped to an all-time low (3.3 per cent in 2014). This led to an increase in the average income of employed persons, in both real and nominal terms, from 464.9 to 593.2 balboas, and a 29.8 per cent increase in the average minimum wage. These indicators are among the most impressive seen throughout the whole Latin American region.

(iv) In this context, there has been some improvement in income distribution. According to a report on household income distribution that was issued by the Ministry of the Economy and Finance and was based on data from August 2014, "For the first time in twenty-three years, ever since household surveys have been used to measure the

[2] National Statistics and Census Institute, 2015.

concentration ratio (distribution of income), the ratio was less than the average value for the indicator (0.500). There was an improvement or improved income distribution among the poorest households. In this regard, economic growth created access to the labour market for more people, with better remuneration, and the Government was able to allocate more resources to transfers for the poorest households."[3]

(v) Taking these developments into account, the Government continues to recognize the need to be more proactive in maintaining and further increasing the levels of well-being experienced by children and young persons and their families, and above all the need for a system to provide comprehensive protection and guarantee the rights of children and young persons, so as to fulfil the commitments undertaken by the State when it ratified the Convention.

I. General measures of implementation

A. Measures taken to bring national law into line with the Convention (CRC/C/PAN/CO/3-4, para. 10)

1. Panama acknowledges that it has not yet adopted a law on comprehensive protection as referred to in the concluding observations.

2. The 2007 bill on comprehensive protection for children and young persons was not adopted by the National Assembly, due to a lack of support from a certain sector of society.

3. Recognizing the need for a legal framework for appropriate protection of the rights of children and young persons, in 2015 a process was initiated to draw up a new bill on establishing a system of guarantees and comprehensive protection for the rights of children and young persons, on the basis of the principles and provisions of the Convention, with support from the United Nations Children's Fund (UNICEF).

4. This process is being led by the Ministry of Social Development, through an inter-agency working group.[4] Currently, consultations are being held with various stakeholders, so that the bill can be submitted to the Council of Ministers and then to the National Assembly.

5. During the period 2011-2015, the Government made progress in recognizing and protecting the rights of children and young persons through the adoption of laws and other regulations, such as: Act No. 79 of 9 November 2011 on trafficking in persons and related activities; Act No. 42 of 7 August 2012 on child maintenance; Act No. 36 of 4 May 2013 on the smuggling of migrants and related activities; and Act No. 30 of 5 May 2015 amending and abrogating provisions of the Family Code concerning the establishment of the minimum age of marriage at 18 years. Further information is contained in Annex 1.

[3] http://www.mef.gob.pa/es/informes/Documents/.

[4] The following entities are participating in the inter-agency working group: the Ministry of Social Development, the National Secretariat for Children, Young Persons and Family, the National Secretariat for the Human Rights of Persons with Disabilities, the National Institute for Women, the Ministry of Health, the Ministry of Labour, the Ministry of the Economy and Finance, the Ministry of Public Security, the Ministry of Foreign Affairs, the Counsel-General's Office, the Judiciary, the National Commission for the Prevention of Commercial Sexual Exploitation, the Electoral Tribunal, the Secretariat for Social Affairs of the Office of the President, the Panamanian Institute for Special Training, the National Statistics and Census Institute, the National Border Service, the Juvenile Police, the Legislature, the Ministry of Agricultural Development, the National Migration Service, the Ministry of the Interior, the National Secretariat for the Food and Nutrition Security Plan, UNICEF, and Santa María La Antigua University.

6. Panama has ratified the following international human rights instruments:

- Act No. 9 of 12 April 2016, adopting the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which was signed in Marrakesh on 27 June 2013;
- Act No. 79 of 22 October 2013, adopting the Convention on Cybercrime, which was done in Budapest on 23 November 2001;
- Act No. 26 of 30 March 2011, adopting the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted in New York by the United Nations General Assembly on 18 December 2002;
- Act No. 27 of 30 March 2011, adopting the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted in New York by the United Nations General Assembly on 20 December 2006;
- Act No. 28 of 30 March 2011, adopting the Convention relating to the Status of Stateless Persons, which was adopted in New York on 28 September 1954;
- Act No. 29 of 30 March 2011, adopting the Convention on the Reduction of Statelessness, which was done at New York on 30 August 1961.

B. A comprehensive national strategy for children and national action plans (CRC/C/PAN/CO/3-4, para. 14)

7. The fact that there is no legal framework for the comprehensive protection of children and young persons has given rise to the existence of multiple policies and plans, sometimes resulting in overlapping efforts by various stakeholders.

8. The bill on establishing a system of guarantees and comprehensive protection for the rights of children and young persons aims to create a system that will ensure integration and coordination among all stakeholders, in an organized manner, with a view to recognizing, promoting, protecting and restoring the rights of children and young persons. In order to ensure the bill's effective implementation, public policies for children and young persons are also being reviewed simultaneously, so as to draw up a road map for a comprehensive national policy.

9. The Strategic Plan 2015-2019, for its part, constitutes the national development plan. Its main areas for strategic action include the recognition of human well-being and development and a "good life for all", with specific objectives for assisting vulnerable groups. It reaffirms the Government's commitment to continue its efforts aimed at achieving the full enjoyment of human rights and social development that benefits children and young persons, through actions taken in various sectors.

10. The social inclusion programmes that are part of the Strategic Plan have an impact on children and young persons in Panama and primarily benefit indigenous populations and those living in rural areas.

11. These programmes are designed to ensure food and nutrition security, reduce malnutrition during early childhood, strengthen primary health care, increase the coverage of drinking water, and increase the coverage and improve the quality of basic health-care, housing and infrastructure services.

12. The scope of these national programmes is described throughout the report.

C. Inter-institutional coordination (CRC/C/PAN/CO/3-4, para. 12)

13. The National Secretariat for Children, Young Persons and the Family[5] is the body responsible for coordinating and implementing policies for the comprehensive protection of the rights of children and young persons. It has a board of directors that is chaired by the Minister of Social Development and is made up of high-level representatives of the main ministries responsible for social policies as well as civil society. The board's role is to promote and guarantee the effectiveness of public policies for children, young persons and the family and to work together with the National Secretariat for Children, Young Persons and the Family to coordinate, mainstream and implement strategies, plans and programmes for children, young persons and families.

14. Since 2015, the National Council for Comprehensive Care in Early Childhood has also been chaired by the Ministry of Social Development, thereby facilitating the coordination of policies and the realization of the early childhood rights provided for in the Road Map for Comprehensive Care in Early Childhood.[6]

15. The National Secretariat's financial independence has made it possible to establish regional offices throughout the country, thereby expanding its capacity for coordination. The Government recognizes the need, however, to provide the National Secretariat with staff who have been trained in an approach that focuses on comprehensive protection for children and young persons at all levels and to consistently allocate technical and financial resources that meet the institution's needs.

D. Financial resources allocated for the implementation of the Convention (CRC/C/PAN/CO/3-4, para. 18)

16. The individual budgets and State investment plans are drawn up on the basis of the aims and objectives of the public institutions' programmes, which are created in response to identified needs and real problems that the people of Panama are facing, so as to achieve a better quality of life for those people.

17. From 2011 to 2015, public social expenditure by both central and decentralized government entities rose steadily from $5.55 billion to $9.48 billion (an increase of 70.9 per cent). The percentage of GDP allocated to such expenditures ranged from 16.1 per cent in 2011 to 18.2 per cent in 2015. Furthermore, the percentage of the total State budget allocated to social expenditures increased from 44.6 per cent to 51.1 per cent. On average, resources were allocated as follows: 33.2 per cent for health, 26.1 per cent for education and culture, 19.8 per cent for labour and social security, 18.7 per cent for multi-social expenditures and 2.1 per cent for housing.

18. With regard to budgetary resources benefiting children, the percentage of the budget allocated to education and culture rose from 58.2 per cent in 2011 to 66.9 per cent in 2015. Current investment projects include My First School, Bilingual Panama and the Universal

[5] Act No. 14 of 23 January 2009 establishing the National Secretariat for Children, Young Persons and the Family. Official Gazette No. 26211.

[6] The National Council for Comprehensive Care in Early Childhood comprises the Office of the First Lady of the Republic (who chairs the Council), the Ministry of Social Development, the Ministry of the Economy and Finance, the Ministry of Education, the Ministry of Health, the National Secretariat for Children, Young Persons and the Family, the Social Security Fund, the National Institute for Women, the Electoral Tribunal, the Association of Professional Specialists in Areas Relating to the Rights and Care Provided for in the Road Map for Comprehensive Care in Early Childhood, NGOs working in the field of early childhood, and unions or employer associations involved in early childhood development.

Grant. Transfers from the public sector reached as high as $223.8 million in 2015, compared with $49.9 million in 2011.

19. Some difficulties have been encountered with regard to tracking institutional social expenditures by sector. Under the current system, it is not possible to identify resources allocated by other institutions to certain national programmes, such as the Opportunities Network Programme and the Roofs of Hope Programme, which target poor and vulnerable households and are based on monetary transfers.

20. The Government recognizes that, in order to better highlight the national effort to achieve the comprehensive well-being of children and young persons, there is a need to collect data on public social spending in Panama disaggregated by function and institution, so as to provide clear information about investments benefiting children.

21. Given the complexity of obtaining data disaggregated by age group, sex, ethnicity and geographical area from the various entities with regard to the activities they carry out and the resources they allocate, when drawing up the budget it is not possible to perform a budget analysis of the type that is required under a comprehensive approach to the rights of children and young persons.

22. The challenge of drawing up the budget through a participatory mechanism that includes children and young persons remains unmet.

E. International cooperation for the implementation of the Convention

23. Through a broad participatory process, the Government of Panama and the United Nations in Panama have assessed the country's development priorities and carried out relevant consultations with government stakeholders and civil society. Through this consultation process, national priorities and areas of cooperation were identified and then put into action as part of the Development Cooperation Framework 2012-2015.

24. The Cooperation Framework serves as a guide for all joint and coordinated actions between the Government and the various agencies, funds and programmes of the United Nations system operating in Panama. It is focused on four strategic areas: achieving the Millennium Development Goals; consolidating democracy; strengthening public security; and addressing environmental sustainability and climate change. Each area of cooperation is based on the principles underlying United Nations programmes, which are in turn adapted to the situation in Panama. These include a focus on human rights, gender equality, environmental sustainability, and capacity-building.

25. Cooperation was focused on prevention of and response to the most serious violations of the right to life and integrity, such as homicide and violence against women and children. To that end, efforts were focused on drawing up and carrying out plans to combat such violence, which included the development of specialized strategies for preventing violence, caring for victims, and rehabilitating or punishing the perpetrators.

26. Work was carried out to establish migration policies with a focus on human rights, including the right to asylum and protection measures. Efforts were also focused on building the capacity to monitor and control organized crime and human trafficking.

27. During this period, there was continuous cooperation to draft a law establishing a system of guarantees and comprehensive protection for the rights of children and young persons in Panama.

28. The new cooperation framework for the period 2016-2020 is based on the Strategic Plan 2015-2019[7] and calls for action in three areas of cooperation: comprehensive policies for equity and inclusion; governance, dialogue and social participation; and environmental sustainability and inclusive growth.

F. An independent national human rights institution to monitor the implementation of the Convention and the Optional Protocols (CRC/C/PAN/CO/3-4, para. 16)

29. The situation as reported in the combined third and fourth periodic reports (CRC/C/PAN/3-4, para. 55) has not changed.

30. During the reporting period, the national human rights institution dealt with 28 complaints of violations of the human rights of children and young persons. It also undertook to provide guidance and recommendations on the protection of the human rights of children and young persons.

31. In its role as an inspectorate, the Specialized Unit for Children and Youth carried out 281 monitoring visits to shelters and juvenile detention centres and prisons throughout the country to monitor the human rights conditions in those facilities.

G. Data collection (CRC/C/PAN/CO/3-4, para. 20)

32. The system of indicators for children, young persons and women in Panama is currently in the process of being migrated to a different software system. However, the system of development indicators continues to capture the situation of Panamanian children, and these indicators are available on the website of the National Statistics and Census Institute,[8] disaggregated by sex, age and geographical area.

33. In 2013, the first National Multiple Indicator Cluster Survey was conducted, which provided valuable information on children, disaggregated by age, ethnicity, sex and income, at the national and provincial levels and in urban and indigenous areas. This information has been very useful for monitoring and evaluating policies targeting children and young persons.

34. Work is under way to consolidate information on persons with disabilities into a single platform and then use that information to create public policies and actions to promote their development.[9]

H. Dissemination and awareness-raising (CRC/C/PAN/CO/3-4, para. 22)

35. Both the public sector and civil society conduct activities on a continual basis in various fields to raise awareness about the human rights of children and young persons.

36. Public entities in the social sector issue statements about defending and protecting the rights of children and young persons, placing particular emphasis on topics within their field of activity.

[7] Executive Decree No. 689 of 26 December 2014 adopting the Strategic Plan for the next five years. Official Gazette No. 27708-A.

[8] http://www.contraloria.gob.pa/INEC/

[9] Legal basis: Executive Decree No. 148 of 17 June 2015.

37. The Ombudsman's Office issues opinions on legislative proposals concerning the rights of children and young persons, with the aim of achieving the progressive development of those rights.

38. National awareness-raising campaigns are strengthened during the commemoration of international days. These include, inter alia, campaigns to eradicate child labour, to combat violence, to combat human trafficking, to prevent HIV/AIDS and to promote non-discrimination. These campaigns reach the general public through radio, print media and television.

I. Training (CRC/C/PAN/CO/3-4, para. 24)

39. The various public entities have maintained a policy of offering training on an ongoing basis. In recent years, there has been a mainstreaming of the rights of children and young persons in areas where such rights were not previously taken into account, such as when dealing with refugees and migrant populations and in the prevention of human trafficking. Further information is contained in Annex 8.

40. During the reporting period, the judiciary made significant efforts to impart systematic training to its professional staff on the rights of children and young persons.

J. Civil society (CRC/C/PAN/CO/3-4, para. 26)

41. In recent years, civil society has increasingly participated in the formulation, oversight and monitoring of public policies and programmes.

42. One of the achievements made with regard to public policies for children and young persons is the fact that civil society organizations – as represented by the National Panamanian Child and Adolescent Support Network and the National Council on the Family and Children – are part of the board of directors of the National Secretariat for Children, Young Persons and the Family.

43. In accordance with their aim and mission, civil society organizations have a legal footing that ensures their continuous involvement in various committees and commissions at the national level to formulate and monitor public policies on the protection of the rights of the child, such as: the Committee for the Elimination of Child Labour and the Protection of Adolescent Workers; the National Commission for the Prevention of Commercial Sexual Exploitation; the National Council for Comprehensive Care in Early Childhood; the National Intersectoral Committee for the Prevention of Violence against Children and Young Persons; the Committee against Trafficking; and the National Council for Persons with Disabilities. These organizations, in turn, participate in the Subcommittee for Children and Young Persons of the National Standing Committee on the Implementation of and Follow-Up to the Human Rights Commitments Made by Panama at the National and International Levels.

44. The Observatory for the Rights of Children and Young Persons[10] operates as an independent mechanism for monitoring and supervising the implementation of the observations of the Committee on the Rights of the Child. Thus, it does not receive any State funding. This financial independence allows it to develop its own opinions and to make its own constructive criticisms of public policies and actions related to the recognition of the rights of children and young persons.

[10] The Observatory is currently made up of 33 NGOs and civil society organizations.

45. During the reporting period, the Observatory has earned a reputation as an impartial authority, and it continuously monitors the various actions carried out. It has also worked in conjunction with the authorities to bring about positive changes in relevant areas. These include: collaborating with the authorities on issues such as the elimination of the curfew; evaluating the adoption system to determine the effectiveness of the procedures and protocols being implemented; and promoting – in conjunction with the Ministry of Social Development and the Ministry of Foreign Affairs and with support from the Office of the United Nations High Commissioner for Human Rights and UNICEF – the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

46. The Observatory receives technical and financial support from UNICEF, thanks to which it has had a technical support team ever since its establishment in 2010. The Ombudsman's Office continues to serve as the Observatory's technical secretariat. However, given that it does not receive any resources from this institution, the Observatory depends primarily on international funding to carry out its operations.

K. Child rights and the business sector (CRC/C/PAN/CO/3-4, paras. 28 and 30)

47. In 2016, the Ministry of the Environment established an advisory committee to amend Decree No. 123 of 14 August 2009 regulating the conduct of environmental impact assessments. The committee is composed of entrepreneurs, environmentalists and national authorities. It is expected to draft a proposed amended decree by September or October 2016, which will be submitted for public consultation.

48. The changes envisaged are aimed at creating more effective and participatory processes to minimize conflicts created by construction works, projects or activities that have an impact on the environment, taking into account the cultural sensitivities of the communities living in the area.

49. The proposal will make the assessment process more effective and will improve the quality of the impact assessment studies and the inspection of approved projects, so as to truly fulfil the objective of preventing, reducing and compensating for environmental impacts.

50. In April 2016, the National Assembly adopted in plenary session, at third reading, bill No. 81 establishing a requirement for consultations with, and the free, prior and informed consent of, indigenous peoples when considering legislative or administrative measures that would affect their collective rights, which are understood to encompass their lands, territories, resources, way of life and culture.

51. The bill emphasizes the fact that consultations must be carried out directly by State entities before adopting or implementing measures that would directly affect the physical existence, cultural identity, quality of life or development of indigenous peoples. These consultations also apply to development projects, programmes and plans at the national, district and regional levels that directly affect the collective rights of indigenous peoples.

52. The National Council of Private Enterprise and the Association for the Promotion of Corporate Social Responsibility in Panama (a local network that is part of the United Nations Global Compact) take specific action to strengthen corporate social responsibility, with a focus on the rights of children and young persons, in close collaboration with the public sector and NGOs.

53. Achievements in this regard include: a programme to monitor companies to ensure that they are free of child labour; national guidelines for companies; corporate social

responsibility programmes to promote the eradication of child labour and the protection of adolescent workers; and projects aimed at combating poverty and malnutrition and promoting the awareness and use of information and communications technology.

54. In 2014, companies, media outlets and NGOs signed the Pact for Children and set up the group known as Partners for Children, so as to encourage the State to make children and young persons a priority.

Children and the media

55. The Public Services Authority and the Television Companies of the Republic of Panama signed a new self-policing agreement[11] based on a commitment to carry out actions with respect for human rights and to promote values that strengthen family unity, especially for children and young persons. The agreement sets out criteria for television programmes broadcast during certain times of day and rates them according to their content. It also establishes an advisory board that is responsible for monitoring the implementation of the agreement and making recommendations (the Ministry of Social Development, the Ministry of the Interior, the National Assembly, civic clubs and media outlets participate in the advisory board).

II. Definition of the child (CRC/C/PAN/CO/3-4, para. 32)

56. Act No. 30 of 5 May 2015 prohibits marriage for persons under 18 years of age, thereby raising the minimum age for marriage between a man and a woman.

III. General principles

A. Non-discrimination (CRC/C/PAN/CO/3-4, para. 34)

57. In 2015, Panama officially launched the International Decade for People of African Descent 2015-2024, thereby joining the international call to make the motto "recognition, justice and development" a reality.

58. In order to achieve the objectives set out for the Decade, education will be used as a strategic focus for driving change in cultural norms by reforming the curriculum and adapting the academic content, with a view to eliminating conceptual barriers that foster discriminatory cultural patterns. This effort is being carried out jointly by the public sector and civil society organizations working in this field.

59. Meanwhile, progress is being made towards establishing the National Secretariat for the Development of Afro-Panamanians as a high-level body, which will allow it to act on an equal footing with other national secretariats to ensure full coordination and cooperation and create equitable conditions for people of African descent.

60. The National Council of the Black Ethnic Community, in partnership with Afro-Panamanian civil society, carries out outreach and awareness-raising campaigns, cultural activities, marches and demonstrations in which children and young persons participate, educational leisure activities, street theatre, and art and music programmes aimed at preventing discrimination.

61. Specifically, training is provided to police officers and to young persons and adolescents to give them the tools they need to achieve a successful intercultural dialogue.

[11] National Assembly Resolution No. 4201-RTV of 27 January 2011.

renew broken ties and strengthen bonds. Enforcement of existing legislation on children and young persons of African descent is encouraged, so that these children do not suffer from discrimination when expressing their cultural rights in schools.

62. In 2016, Panama joined the "Zero Discrimination" global campaign to combat HIV/AIDS, which has the slogan, "Be the change you wish to see". The objective of this annual campaign is to create a climate of respect, solidarity and inclusion, so that all persons may live without fear of being attacked, criminalized or stigmatized because of their HIV/AIDS status.

63. In 2012, the National Integration Round Table for the Development of Indigenous Peoples was established with the participation of the Government and representatives of the Ngäbe Buglé indigenous region, with the aim of drafting the Comprehensive Development Plan for Aboriginal Peoples of Panama, so that it could be adopted as an official government plan.

64. This process was carried out through consultations with local authorities and an exchange of views on development that took place during an intercultural dialogue. It was approved in 2014 by the indigenous congresses.

65. The Plan is divided into three areas of focus: political and legal, economic, and social and legal. The social area is further subdivided into five sub-themes: education, culture, health, housing and infrastructure and energy, and the Plan was drawn up with respect for cultural and collective rights and customs, taking into account the needs of indigenous persons under 18 years of age.

B. Best interests of the child (CRC/C/PAN/CO/3-4, para. 36)

66. The bill on establishing a system of guarantees and comprehensive protection for the rights of children and young persons is based on the principle of the best interests of the child as set out in the Convention and is in line with the Committee's general comment No. 14. It will move beyond standards that are based on a guardianship model and make way for the recognition of the legally guaranteed human rights of children and young persons, providing a legal framework for their effective protection.

C. Respect for the views of the child (CRC/C/PAN/CO/3-4, para. 38)

67. Mechanisms are in place to ensure the implementation of the legal regulations guaranteeing respect for the views of the child in legal and administrative proceedings.

68. The Public Prosecution Service and the decisions, statements of concept and resolutions that it issues are in line with the principles and standards set out in the Convention, specifically the principle of respect for the views of the child.

69. In 2012, the Charter of Rights of Persons Brought to Justice was adopted (Resolution No. 3 of 6 January 2012), which establishes the right of minors to age-appropriate treatment and to respect of their privacy in prosecutions brought by the Public Prosecution Service.[12]

70. In cases before the prosecution service, children and young persons who have been victims of abuse undergo a psychological assessment to determine whether or not they are able to give a statement.

[12] http://www.ministeriopublico.gob.pa/mimpub/Nuestra%20organizacion/en/Publicaciones/CartadeDerechos.aspx

71. Children and young persons who have been victims of sexual assault are provided with psychological care to determine whether they are able to be interviewed so that they can be heard. The procedure and their rights are explained to them, and they are given the opportunity to decide who will interview them and whether they want their parents or a psychologist to be present.

72. During the forensic medical examination, the importance of the examination for the proceedings is explained to them, and their informed consent is obtained before proceeding with the examination.

73. When children and young persons are questioned during the oral hearing, they must be accompanied by a psychologist or other trained official from the Unit for the Protection of Victims, Witnesses, Experts and other Participants in Criminal Proceedings. The hearings are closed, so as to safeguard their privacy, and their personal information is kept confidential.

74. Progress has been made with regard to installing a Gesell dome in one of the nine circuit courts, accompanied by an approved user's manual. This will make it possible for victims who are minors to be interviewed just once, thereby avoiding any revictimization. The questions are asked through a psychologist, who is present in the dome with the child. Such facilities are expected to be installed in other circuit courts.

75. Within the juvenile justice system, children and young persons have the right to be informed and heard throughout all phases of the proceedings and while serving their sentences. According to statistics from the Public Prosecution Service, from 2011 to 2015 a total of 5,242 young persons between 12 and 17 years of age were heard in juvenile criminal proceedings.

76. Through visits carried out by the Children and Young Persons Unit of the Ombudsman's Office, juvenile detention centres and prisons throughout the country are inspected to ensure compliance with the regulations concerning the Regime Governing Juvenile Criminal Responsibility, health conditions, and infrastructure, and young persons are given the opportunity to file complaints of alleged abuse by administrative staff and guards. Once the information has been collected, action is taken before the relevant bodies to address the complaints received.

77. In proceedings for adoption or placement in family-based care, the views of the children and young persons are heard, depending on their age and level of development.

78. The Government recognizes the need to incorporate into the regulations governing the civil registry mechanisms for the participation of children and young persons in administrative proceedings that affect them, in particular proceedings to change their name and to delete or amend their surname, depending on the child's level of maturity and development and in accordance with the principle of progressiveness. Currently, the law grants only the mother and/or father the discretionary power to change their child's name. This can be done only once, and there is no requirement to submit evidence or to involve the child or young person.[17]

[17] Act No. 31 of 25 July 2006 regulating the registration of vital facts and other legal acts related to civil status and reorganizing the National Directorate of the Population Register of the Electoral Tribunal, amended and expanded by Act No. 17 of 2007. Official Gazette No. 25902.

IV. Civil rights and freedoms

A. Registration of birth, name and nationality (CRC/C/PAN/CO/3-4, para. 40)

79. Panama made a commitment to eliminate underregistration by 2015. In 2012, the underregistration rate for births was 1.97 per cent, while in 2015 the estimated underregistration rate was negative, standing at -2.63 per cent at the national level.[14]

80. When these figures are disaggregated by region, the situation is different. In remote areas that are difficult to access and in indigenous regions where births occur at home, underregistration levels are higher.

81. The highest underregistration rates are seen in the Guna Yala indigenous region, Darién Province, the Emberá-Wounaan indigenous region, the Ngäbe-Buglé indigenous region, Bocas del Toro Province and Coclé Province.

82. According to the latest figures from the Electoral Tribunal, 91.9 per cent of births in Panama take place in a hospital under medical supervision, which guarantees that these births are registered. As for the 8.9 per cent of births that take place at home in indigenous regions and in remote areas that are difficult to access, it is recognized that special measures are needed to ensure that these births are registered in a timely and rapid fashion.

83. In recognition of the right to birth registration, special measures have been taken in recent years to ensure the registration of all children born in Panama, regardless of their parents' origin or migratory status. There is also a policy in place to issue a youth identity card to all children and young persons, which serves as their identity document. In addition, action is being taken to decentralize the services of the Electoral Tribunal by setting up offices in remote areas and by establishing auxiliary registry offices in communities.

84. In 2011, an agreement was signed with UNICEF to develop mobile birth registration systems in areas where births are known to be underregistered in the Ngäbe-Buglé indigenous region. In the light of the results achieved through this project, it will be maintained in 2012 and expanded in 2013. Initially, the expansion will cover the Embera Wounaan indigenous region and Darién Province. This will make it possible to identify most of the parents who are not registered or do not hold identification documents, including indigenous people, people of African descent and children of migrants born in Panama, with the understanding that underregistration brings with it cultural, geographical and administrative barriers, making direct interaction with other State institutions necessary.

85. A project is also being carried out to register and issue identity documents to persons who are part of the Mama Tatas – a religious group in the Ngäbe-Buglé indigenous region whose members have traditionally refused to register their births and therefore lack identity documents. Some communities still refuse to be registered, but further visits to those communities are planned, in order to speak with the community leaders and complete the registration.

86. In 2014, the Electoral Tribunal received the findings of a study carried out to develop tools that will strengthen the relevant institutions' capacity to register births in a timely manner. The study made evident the obstacles that are currently preventing universal birth registration in the country and the need to implement an inter-institutional national plan.

[14] Source: National Directorate of the Civil Registry.

87. That plan has taken the form of an inter-institutional protocol for timely birth registration and identification. In 2015, the first coordination meetings were held with the institutions involved in the implementation of the protocol, and a form for the identification of unregistered persons was adopted for use by institutions in remote areas.

88. The Civil Registry uses indigenous languages to engage with the inhabitants of indigenous regions through radio broadcasts. In remote areas where there is no radio signal, coordinated efforts are made with the regional authorities in those communities, and services are provided through an interpreter who belongs to the same indigenous group and who lives in the region.

89. The Electoral Tribunal also has staff members of indigenous origin who help provide services to their own aboriginal peoples.

90. Exceptions are made for indigenous peoples seeking to have their names registered in their own languages, excluding surnames given on the basis of maternal or paternal filiation.

91. Since 2015, an agreement has been in place with the Supreme Electoral Tribunal of Costa Rica to document Panamanian indigenous persons who migrate to work in coffee plantations in that country, as well as their children who are born there.

92. A fundamental component of these documentation efforts is to address the needs of stateless persons whose children were born in Panama.

93. In 2015, during the registration days held within the framework of this agreement, 742 declarations of birth were made, of which 699 were for minors, and 896 identity documents were issued, of which 344 were youth identity cards.

94. An agreement was signed between the Electoral Tribunal and the Civil Registry Office of Colombia with the aim of ensuring that the births of children born to Colombian migrants in Panama are registered, even if their parents' migration status is irregular.

95. A technical committee has been established to draw up implementing regulations for Act No. 28 of 30 March 2011 adopting the Convention relating to the Status of Stateless Persons.

B. Preservation of identity

96. Minors 12 years of age or older are required by law to carry a youth identity card. The Electoral Tribunal plans to establish a mechanism to ensure the cooperation of the competent authorities in the enforcement of this law. Together with the Ministry of Education, a programme is being carried out to issue youth identity cards in all public and private schools in the country.

97. In 2013, the Electoral Tribunal signed an agreement with the Social Security Fund to issue youth identity cards free of charge. This card serves as the official identification document for persons under 18 years of age. It will replace the old social security card. It also serves as proof of an individual's status as a citizen or a foreigner with permanent residency. The right to carry this document extends to foreign minors who hold permanent residency.[15]

[15] Act No. 68 of 2 November 2015 reorganizing the National Directorate for Identity Documentation and regulating the issuance of personal identification documents. Official Gazette No. 27903.

C. Freedom of expression and the right to seek, receive and impart information

98. Actions continue to be carried out and forums established to promote the right to freedom of expression for children and young persons, and many such programmes have acquired permanent status. These include:

- The Children's Club, which ensures the right of children to participate in workshops where they design, create and operate puppets as tools for rights promotion;
- The Knowing my Rights and Responsibilities Programme, which teaches children and young persons about their rights and encourages them to spread that knowledge in their schools and communities;
- Seeds of Art, a recreational programme that provides opportunities for children and young persons from underprivileged urban areas to enter the world of art and culture as a means of artistic expression;
- The Youth Assemblies Programme, which provides an educational forum where young persons can exercise their political rights as citizens, freely express their views on various social, political and economic situations in the country, engage in debates, and draw up legislative initiatives;
- The National Public Speaking Competitions Programme, which enables constructive discussion on issues of national importance, provides training in civic values, and allows young persons to develop their public speaking skills. Secondary education students participate in the programme, which is active in the provinces and indigenous regions;
- The National Programme to Strengthen Human Rights and Values;
- The School Ombudsmen Programme and the Social Service Programme, which are run by the Ombudsman's Office. Secondary education students participate in the programmes, which promote the development of civic values. A total of 18,114 persons have benefited from the programmes, including children, young persons, teachers, school administrative staff and parents;
- The Civic Electoral Education Programme, which seeks to train teachers on issues concerning democracy, public participation and political organization, so that they can spread this knowledge to their students. Over the course of 20 years, 17,583 teachers have been trained through the programme, thereby benefiting an estimated 854,089 students. It also encourages graduating students from across the country to participate in elections as election promoters (to date, 6,211 students have participated in this way);
- The "My friends and I" Programme, which targets primary school students and aims to raise awareness among students and teachers and promote positive changes in attitudes towards persons with disabilities;
- The Youth Volunteer Programme, which serves to promote responsibility and solidarity and takes specific action to improve the quality of life for people in Panama, thereby creating a sustainable model of community management, particularly in vulnerable regions.

D. Freedom of association and peaceful assembly (CRC/C/PAN/CO/3-4, para. 42)

99. The resolution setting a curfew for minors throughout Panamá Province remains in effect and has been extended to Chiriquí, Colón and Panamá Oeste Provinces.

100. Recognizing the need to evaluate the effectiveness of the curfew, in 2015 the Ministry of the Interior held a multisectoral round-table involving civil society to consider the adoption of appropriate measures to deal with children and young persons who are found roaming the streets at night. Thus far, no agreement on this matter has been reached.

101. Annex 56 contains statistics from the National Secretariat for Children, Young Persons and the Family on children and young persons who have been detained during curfew and whose parents have failed to pay the fine.

V. Violence against children

A. Abuse and neglect (CRC/C/PAN/CO/3-4, para. 47)

102. The Government acknowledges that there is no comprehensive national system for the collection, analysis and dissemination of data on violence against children. It also acknowledges that it lacks an overall national strategy to prevent and address all forms of violence against children and young persons.

103. From 2013 to 2015, the number of cases of abuse of minors recorded in the national criminal courts throughout the country was as follows: 755 cases in 2013, 1,442 cases in 2014, and a preliminary figure of 1,205 cases in 2015. Statistics show that the number of cases of sexual offences against children and young persons has risen every year. Nationwide, there were 1,488 cases in 2013, 1,645 cases in 2014, and a preliminary figure of 2,297 cases recorded in 2015.

104. In 2013, the National Secretariat for Children, Young Persons and the Family established the Specialized Department for Protection from Abuse and Violence. The Department deals with complaints received, provides direct assistance to victims of any form of violence in accordance with the *Protocol for the Care of Children and Young Persons who are Victims of Abuse*, and brings legal proceedings before the Public Prosecution Service.

105. The National Intersectoral Committee for the Prevention of Violence against Children and Young Persons[15] was established with the aim of creating a national strategy to prevent and address all forms of violence against children in all settings.

106. One of the areas of focus of the Opportunities Network Programme is the prevention of domestic violence. This is achieved through talks that are led by outreach workers and attended by women from families who benefit from the programme, where they learn about the negative consequences of violence on the family as a whole and how to prevent it. Beginning in 2016, modules on developing a peace culture are being taught, with the aim of strengthening the bonds of trust and cooperation within the local community.

107. The Ministry of Education carries out a programme known as "Safe School, No to Bullying" as a preventive, effective and appropriate response to the problem of bullying. The programme aims to foster a peace culture and civic values, enabling students in schools

[15] Executive Decree No. 39 of 30 April 2014 establishing the National Intersectoral Committee for the Prevention of Violence against Children and Young Persons. Official Gazette No. 27531-A.

to coexist peacefully, and to raise awareness among all stakeholders involved in the education system and provide them with tools to reduce the presence and impact of bullying, as well as the loss of values.

108. The register of cases of suspected domestic violence is maintained by the Ministry of Health, and multifaceted care is provided to the victims by health-care professionals who work in coordination with the Juvenile Police, the juvenile courts, the Ministry of Social Development and the National Secretariat for Children, Young Persons and the Family. Similarly, the Public Prosecution Service and the judiciary are responsible for recording statistics that fall within their remit.

109. The Ministry of Health, in particular, provides training to health-care professionals on complying with the standards and the legal framework and on using the form to collect information on cases of abuse.

110. In 2015, the Government invited the Special Representative of the Secretary-General of the United Nations on Violence against Children to visit the country, and more specifically to visit the Pacora juvenile prison. The Special Representative acknowledged that significant positive changes had been made in the conditions of detention for the young persons in the prison compared with what she had observed during her 2011 visit.

B. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (CRC/C/PAN/CO/3-4, para. 44)

111. The Public Prosecution Service initiated investigations into the events of 9 January 2011 in the Tocumen juvenile prison, in which five young persons lost their lives, and those judicial proceedings have been completed. On 11 January 2016, the Second High Court of Justice declared nine persons, including six police officers, two guards and the director of the Tocumen prison, guilty of the offences of homicide and degrading punishment, harassment or arbitrary measures, with penalties ranging from 6 to 46 years' imprisonment.

112. With regard to the fire in the Arco Iris ("Rainbow") detention centre on 20 June 2011, in which 15 young persons suffered burns, on 15 September 2014 the Second High Court of Justice opened a criminal case against four young persons for the offence of attempted intentional homicide. The hearing on the merits was suspended for failure to notify the public defenders. A new trial date has yet to be set.

113. In May 2016, the Council of Ministers approved the bill to professionalize the prison service. The bill seeks to establish a system for the selection and promotion of prison staff based on merit – including staff members who are responsible for the care of young persons in conflict with the law – and a disciplinary regime that is appropriate to the work they carry out. The bill is designed to ensure that the prison service has staff members of the highest possible quality who are suitably trained to deal with incarcerated young persons. It will be submitted to the National Assembly in July 2016.

114. The Ministry of the Interior is developing a security protocol that will prohibit the use of tear gas inside detention centres and prisons.

115. With regard to the renovation of detention centres and prisons, one of the major achievements made during the reporting period was the construction and operationalization of the Pacora juvenile prison, which opened in 2012 and has a capacity to hold 192 young persons.

116. Currently, 154 young persons are being held in the prison, which is run in accordance with a comprehensive protection model that is based on the best interests of the

young persons and aims to ensure that they can develop physically, mentally, morally, spiritually and socially in a healthy manner.

117. This approach is based on seven areas of focus that together address all aspects of the young persons' lives: physical and mental health; psychological support; family; education; socio-occupational support; social integration; and rights. The same also applies in other places of deprivation of liberty for young persons in conflict with the law.

118. The Government recognizes that building new detention facilities is not the way to reduce crime. It is necessary, however, given the state of the infrastructure in some facilities and the fact that certain facilities operate both as detention centres and as prisons. In response to this situation, plans have been made to build new facilities and to refurbish existing ones, using the Pacora prison as a model, so as to comply with national and international human rights standards. Further information is contained in Annex 61.

119. One of the main difficulties that was facing the Interdisciplinary Studies Institute from 2011 to 2014 was the fact that it did not have an information system in place for the collection of statistical data. Data collection began in 2015, and plans have been made to further develop this system and to carry out a prison census that will include minors, thereby making it possible to provide the authorities with updated information for the creation of public policies that are suited to the needs of young persons. This will be the first national census conducted by the Comptroller-General's Office to cover all persons deprived of liberty in the country, including both adults and minors, as well as minors in conflict with the law who are subject to alternative measures.

120. The Ombudsman's Office conducts periodic inspections of detention centres and prisons to verify the situation there and to see first-hand the conditions in which young persons are being held.

121. The Government is in the process of establishing a national mechanism for the prevention of torture, which will have the power to, inter alia, conduct inspections in detention centres and prisons.

122. Annex 60 contains statistics on persons held in detention centres and prisons throughout the country.

Corporal punishment (CRC/C/PAN/CO/3-4, para. 46)

123. The Government acknowledges that its legislation does not explicitly prohibit all forms of corporal punishment of children and young persons. Provisions 319 and 443 of the Family Code remain in force. Article 188 of the Civil Code was repealed by article 838 of the Family Code.

124. The 2013 Multiple Indicator Cluster Survey included a question on the methods used to discipline children and young persons in the home. The results showed that, out of a total of 1,001,818 children under 14 years of age, 44.9 per cent had experienced some form of violent discipline in the month preceding the survey.

125. Recognizing the need to strengthen awareness-raising and oversight mechanisms in order to bring about behavioural changes in society and move towards alternative forms of discipline, the following actions have been taken to build capacity among families:

- Under the Comprehensive Plan of Action for Early Childhood, families throughout the country receive training in parental values through a programme called "The ABCs of Raising a Family" and a handbook titled "Lullabies – A Family Guide to Bringing up Children from Birth to 6 Years of Age";

- The Child Health Booklet is a document used by parents to record the care provided to their children. It includes advice on stimulating children's development and provides guidance on abstaining from corporal punishment;
- The Model Father and Mother Programme seeks to strengthen the role of families in all areas and to ensure the biological, psychological, social and spiritual development of children and young persons, while protecting and guaranteeing their rights. It is intended for parents who have been identified by the National Secretariat for Children, Young Persons and the Family and those who are referred by the juvenile courts.

C. Measures to promote the physical and psychological recovery and social reintegration of child victims (CRC/C/PAN/CO/3-4, para. 79)

126. The Public Prosecution Service has established the Secretariat for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings,[17] which takes into account the principle of the best interests of the child as well as respect for the views of children and young persons. The Code of Criminal Procedure establishes rules for the protection of victims, witnesses and collaborators.

127. The Special Fund to Combat Sexual Exploitation is managed through the National Commission for the Prevention of Commercial Sexual Exploitation and is used to fund the care, treatment and rehabilitation of victims of such crimes in accordance with the Protocol on Assistance for Under Age Victims of Commercial Sexual Exploitation.[18]

128. During the reporting period, progress was made in criminalizing femicide through Act No. 82 of 24 October 2013,[19] which establishes a penalty of 25 to 30 years' imprisonment for the offence. The aggravating circumstances provided for in the Act include cases where the woman is killed in the presence of her children. The Act also establishes the offence of physical, psychological or financial assault or harassment of any other member of the woman's family, which carries a penalty of 5 to 8 years' imprisonment.

129. It establishes the State's obligation to provide the victim's children with the protection to which they are entitled, as well as providing for their care and recovery, and it sets out the measures that each public body should take.

130. The Act establishes the obligation of the Ministry of Education to provide training in schools and at all education levels in, inter alia, respect for rights and freedoms, sexual and reproductive health, and gender equity. The Ministry is also responsible for: providing the victim or their guardian with guidance or reference information; eliminating sexist content in school textbooks; promoting training activities for parents; and developing protocols on providing care in student guidance offices. The Ministry of Health is responsible for taking action aimed at prevention and care, as well as enforcing the use of forms to collect data and systematizing the data collected.

131. Measures are taken to protect the victim and her family during the proceedings; legal aid is provided; shelters are established for women and their children where both their

[17] Resolution No. 49 of 30 December 2009, as amended by Resolution No. 15 of 25 March 2014.

[18] Protocol on Assistance for Under Age Victims of Commercial Sexual Exploitation. Panama 2007.

[19] Act No. 82 of 24 October 2013, which prescribes measures to prevent violence against women and amends the Criminal Code to criminalize femicide and to punish violence against women. Official Gazette No. 27403.

identity and whereabouts are kept confidential; and 24-hour emergency care centres and free, widespread transport are made available to child and adolescent victims.

D. Helplines for children (CRC/C/PAN/CO/3-4, para. 73)

132. Line 147 remains in operation during daytime hours, and the Ministry of Social Development is studying the possibility of extending the line's operation to 24 hours per day. Annex 19 contains relevant statistics covering the reporting period.

133. Meanwhile, there are other lines in operation that also cater to children and young persons, namely the Juvenile Police helpline and the helpline run by the Young Persons Section of the Judicial Investigation Directorate.

VI. Family environment and alternative care settings

A. Family environment and parental guidance offered in a manner consistent with the evolving capacities of the child

134. The Road Map for Comprehensive Care in Early Childhood has been implemented as part of the Plan for Comprehensive Care in Early Childhood. The Road Map lays out a series of ongoing, planned and continuous interventions to provide comprehensive care and protect the rights of children, as well as an integrated monitoring system.

135. The Children and Family Guidance Centres administer vaccinations and monitor children's height and weight. There is also an Early Childhood Unit (for which staff are recruited and their roles redefined) as well as the Early Childhood Curriculum, which is used in nursery schools for children up to 3 years of age.

B. Parents' joint responsibilities, assistance for parents and the provision of childcare services

136. The Ministry of Education has strengthened the Early Education at Home Programme and the Family and Community Early Education Centres Programme, which in 2015 benefited an estimated 5,682 and 21,408 children up to 5 years of age, respectively.

C. Children deprived of a family environment (CRC/C/PAN/CO/3-4, para. 49)

137. In 2012, there were 2,410 children and young persons living in shelters. As at the end of 2015, that figure had dropped to 2,073, of whom 137 were in temporary nutritional recovery programmes at 7 shelters located across the country, 804 had started school while staying in one of 17 shelters and 1,132 had been placed in one of 35 shelters around the country because they were in a situation of social risk.

138. The Foster Care Programme[20] was established in 2013 to provide children and young persons with comprehensive care on a temporary basis, giving priority to placement with members of their biological family. The Programme includes training for foster

[20] Act No. 46 of 17 July 2013, the General Act on Adoptions in the Republic of Panama. Official Gazette No. 27332-A.

families that aims to strengthen the families' capacity to fulfil this role and to ensure comprehensive protection for the minor.

139. One of the main obstacles hindering deinstitutionalization efforts is the delays in investigations and in the processing of files.

140. The study conducted in 2011 on the situation of the rights of children and young persons who are deprived of parental care and placed in children's homes or shelters[21] identified a need to develop strategies aimed at creating a regular monitoring system, to impress upon shelter staff the importance of complying with the relevant norms and standards, and to create a standardized process for issuing official permits for the operation of shelters.

141. A procedure has been initiated to regularize shelter permits, so that the shelters will bring their operations into line with the established standards. To date, of the 59 shelters currently in operation, 20 have been issued permits.

142. Another achievement made is the development and implementation of the Protocol for Dealing with Children without Parental Care in Shelters in Panama, which sets standards for the care that children and young persons in the shelters should receive.

143. Monitoring and follow-up measures have been expanded through regional offices of the National Secretariat for Children, Young Persons and the Family. A lack of human and financial resources, however, limits the ability to supervise and monitor shelters on a regular basis.

144. The Ombudsman's Office continues to visit shelters to ensure that the rights of children and young persons living there are respected.

D. Adoption (CRC/C/PAN/CO/3-4, para. 51)

145. According to the records kept by the National Secretariat for Children, Young Persons and the Family, between 2011 and 2015 a total of 211 adoptions were carried out, of which 182 were national and 29 were international adoptions. A total of 83 children and young persons were declared to be eligible for adoption.

146. Act No. 61 of 12 August 2008 was repealed by Act No. 46 of 17 July 2013, the General Act on Adoption.

147. Act No. 46 contains the following provisions:

- It retains the provision on the right of children and young persons to live, grow up and be raised and cared for under the guidance and responsibility of their biological family – either their nuclear family or other blood relatives. In the absence of their biological parents, the first choice is to place them with other blood relatives who are part of their extended family;
- It retains the provision giving priority to national adoptions over international adoptions;
- It retains the provision establishing adoption as an administrative process, which includes the pre-adoption and post-adoption phase, as well as a judicial stage during which the adoption is officially declared;
- It retains the provision establishing the Family Benefits Committee, which is composed of the National Secretariat for Children, Young Persons and the Family

[21] Prepared by the Ombudsman's Office with the cooperation of UNICEF.

and three members of the National Panamanian Child and Adolescent Support Network, who decide on the allocation of family benefits;

- It maintains the prohibition on direct and voluntary adoption, the prohibition on the adoption of unborn children, and the prohibition on the adoption of a child born to an unemancipated pregnant minor, provided that the minor has support from relatives of at least the second degree of consanguinity;
- It introduces a provision calling for an investigation into the biological family of the pregnant woman who wishes to give her child up for adoption, and the Guidance Programme, through which advice is provided on the rights and scope of adoption;
- It establishes the legal concept of the foster family, which provides comprehensive, temporary and family-based care to a child or young person, and makes it possible for the foster family to choose to adopt the child or young person under their care in the future.

148. The Government recognizes the need to fully review the General Act on Adoptions, and has therefore made progress towards establishing an inter-agency committee with the participation of civil society to ensure that the proposed amendments offer greater protection for the rights of children and young persons.

149. The main challenges identified by the National Secretariat for Children, Young Persons and the Family in adoption processes are: delays in judicial proceedings for the disqualification from or declaration of eligibility for adoption; and the low level of interest shown by prospective adoptive parents in adopting children or young persons who are in an older age group or who have a disability.

E. Illicit transfer and non-return

150. The Ministry of Foreign Affairs – the central authority responsible for fulfilling the obligations under the Hague Convention on the Civil Aspects of International Child Abduction – is present throughout the proceedings,[22] which take place before the relevant judicial authorities. The Ministry acts as an observer and partner in the handover of children or young persons, ensuring that they are accompanied and safely transferred.

151. The Ministry of Foreign Affairs and the Inter-American Children's Institute are taking steps to draw up a protocol for dealing with cases of international child abduction.

F. Measures to ensure the protection of children with incarcerated parents and children living in prison with their mothers

152. The diagnostic study conducted in 2015 on the situation of women deprived of their liberty in Panama[23] estimated that, of the total number of women deprived of their liberty, 81 per cent are mothers and 68 per cent are heads of households. Ten per cent have children under 3 years of age, and most have children who are minors. Given their situation of deprivation of liberty and the absence of mother-and-child units in the various women's prisons in the country, most of the women are forced to entrust their children to the care of a family member.

[22] Executive Decree No. 222 of 31 October 2001, which regulates Act No. 22 of 10 December 1993 adopting the Hague Convention on the Civil Aspects of International Child Abduction. Official Gazette No. 24422.

[23] Conducted by the Ministry of the Interior.

153. The Government has taken a series of measures to address this problem, including the construction of two women's prisons in the provinces with the highest prison population. These prisons are equipped with mother-and-child units to ensure that the emotional bond between children of breastfeeding age and their mothers is not broken (giving effect to article 43 of Act No. 55 of 2003).

154. In addition, there is now a day-care centre in the Women's Rehabilitation Centre in Panama City, where children under 5 years of age are cared for and where women deprived of their liberty can spend four hours per day with their children.

155. In 2016, a diagnostic study will be carried out on the situation of children and young persons whose mothers are deprived of their liberty in the Women's Rehabilitation Centre. The study will: create a profile of these children and young persons and identify their needs; identify and evaluate the services, programmes and mechanisms for alternative care that are available to these children and young persons deprived of parental care; and develop a programme for their care.

156. The Civil Registry offers special services throughout the country whereby fathers in prison may declare before a civil registry official that they recognize their children as their own.

VII. Disability, basic health and welfare

A. Children with disabilities (CRC/C/PAN/CO/3-4, para. 53)

157. In 2014, the National Secretariat for the Human Rights of Persons with Disabilities conducted a study on the situation in selected inclusive schools in Panama, in the light of the need for verified data to support investment strategies. The aims of the study were to: analyse the prevailing situation in certain schools that participate in the Inclusive Education Programme; determine the scope with respect to the teachers, families and students involved and the context in which inclusive education is promoted; assess existing needs with regard to inclusive policies, culture and practices and, on that basis, develop a National Plan for Inclusive Education.

158. In 2014, the National Strategic Plan was developed specifically to address the topic of disability. Through six strategic areas of focus, the Plan establishes policy measures and lines of action for drafting public policies that seek to move past negative social patterns concerning disability and the human rights of vulnerable population groups and that limit their activities and restrict their participation. The six lines of action are focused on: "capacity for management and governance", "awareness-raising", "standards, research and technology", "empowerment of civil society and full citizenship", "partnership and cooperation for development" and "universal accessibility and equal opportunities".

159. Through its projects and services, the National Secretariat for the Human Rights of Persons with Disabilities assists 5,005 children and young persons up to 15 years of age, of whom 2,740 are boys and 2,265 are girls. There are also other programmes that benefit children with disabilities, such as the Disability Revolving Fund, the "Fami-Business" project, and the Comprehensive Plan of Action for Early Childhood. Further information is contained in Annex 34.

160. In 2014, the National Strategic Plan 2015-2019 on the subject of disability was developed. It sets out the strategies and lines of action for drafting public policies that seek to move past negative social patterns concerning disability and human rights.

161. The Guardian Angel Conditional Cash Transfer Programme has been strengthened and now covers the entire country, including population groups in hard-to-reach areas and indigenous regions. As at February 2016, the programme had benefited 4,924 children and young persons, of whom 2,087 were girls and 2,837 were boys.

162. The second survey on disability, called "National Survey on Disabilities II", is currently being prepared. It will provide the scientific and specialist community with updated information for the planning of prevention and intervention strategies and policies for the five-year period from 2016 to 2020.

163. The judiciary has integrated persons with disabilities into its access to justice programmes. Legal documents are now printed in Braille, and informational documents on the Braille writing system are also available. Work is under way to make books available in audio format and to have them interpreted into sign language, so as to ensure access to information for users in an inclusive manner.

164. Training on the standards on equal opportunities for persons with disabilities has been incorporated into the training programme for officers of the Juvenile Police, and the National Assembly interprets into sign language its meetings involving second and third readings of legislative proposals.

165. The Ministry of the Interior carries out the projects "Adolescents and Young People Access Safe and Inclusive Education in Panama" and "My Voice for Your Eyes". The latter is carried out with the participation of women deprived of their liberty who read story books out loud so that the recording can be made available to blind persons.

166. Persons with disabilities have been included in the National Plan for Assistance in the Event of Risks and Disasters, and the National Civil Defence System has taken action to strengthen capacity for disaster risk reduction within the Panamanian Institute for Special Training.

B. Health and health-care services (CRC/C/PAN/CO/3-4, para. 55)

167. The Government is carrying out the Master Health-Care Plan for Children and Young Persons 2015-2019 in an effort to improve care for children and young persons and to expand the national coverage. The main achievements made through the Plan involve bolstering the regular activities of school health programmes and health programmes for children and young persons, and improving and allocating more resources to health-care services and to programmes and projects to extend coverage.

168. With regard to young children in particular, the following measures are being taken: development of a policy and projects for early childhood; the implementation of nutritional support programmes; the promotion of breastfeeding, in particular by adopting implementing regulations for Act No. 50 of 23 November 1995;[18] the creation of human milk banks and activities to promote them; the strengthening of the neonatal, child and community components of the Strategy for the Integrated Management of Childhood Illnesses; and the implementation of the Essential Obstetric and Neonatal Care Strategy.

169. Adolescent-friendly health-care services have been strengthened and expanded, and standards and technical documents have been drawn up to bolster those services.

[18] Act No. 50 of 23 November 1995, which protects and encourages breastfeeding. Official Gazette No. 22919.

Water supply and sanitation facilities

170. Since 2014, the "Basic Sanitation: 100 Per Cent Safe Drinking Water/Zero Latrines" Programme has been carried out to provide 24-hour drinking water and sanitation facilities throughout the country, improving the coverage of sewage networks and eliminating latrines, and replacing them with hygienic toilets. It is estimated that the Programme will improve the quality of life for more than 1 million people, achieving 98 per cent coverage in urban areas, 90 per cent in rural areas, 70 per cent coverage of sewage networks, and improved sanitation facilities in the form of 300,000 hygienic toilets in rural areas.

Child malnutrition

171. The seventh height survey of 2013 measured the height of 54,897 first-grade schoolchildren, of whom 84.1 per cent had a height that was appropriate for their age. Nationwide, 15.9 per cent of the students measured were under height for their age, including 12.5 per cent who were moderately under height and 3.4 per cent who were severely under height. The average height of the boys measured was 118.2 cm, while for girls it was 117.6 cm.

172. The highest prevalence of chronic malnutrition was observed in the indigenous regions of Guna Yala (61 per cent), Ngäbe Buglé (53 per cent) and Emberá Wounaan (31 per cent). The under height rate in rural areas was twice that of urban areas, while among indigenous children it was eight times higher. With regard to urban and rural areas, the under height rate was highest in Bocas del Toro Province.

173. A comparison between the census conducted in 2007 and the one conducted in 2013 shows that in 2007 the national prevalence of chronic malnutrition was 22.1 per cent, while in 2013 it was 15.9 per cent, reflecting a decrease of 6.2 per cent. It should be stressed that the prevalence of severe under height decreased by 2.8 per cent, and that all of these changes were statistically significant.

174. The National Plan to Combat Child Malnutrition 2008-2015 is being implemented with the aim of reducing the prevalence of moderate and severe malnutrition among children up to 36 months of age. This is to be achieved by: increasing the coverage of primary health care for pregnant women and for children up to 36 months of age; increasing the number of mothers who breastfeed exclusively until their child is 6 months of age; beginning supplementary feeding at 6 months of age with food that is of sufficient quality and quantity; and reducing the prevalence of micronutrient deficiencies (vitamin A, iron and zinc) in children under 3 years of age.

175. The areas of focus are: strengthening maternal and child nutrition programmes and providing comprehensive care to children.

176. The Plan benefits pregnant women, breastfeeding women, and children under 36 months of age in the 98 townships with the highest indices of poverty, extreme poverty and malnutrition. Comprehensive care for children and pregnant women is provided through the fixed health network, itinerant comprehensive health services, and the comprehensive health care packages programme.

177. Through the School Snack Programme, children who attend school daily receive high-quality, nutritional snacks that provide a series of nutrients that are essential to children's proper growth and development. This is complemented by food and nutrition education that aims to improve students' lifestyles. Approximately 500,000 children in 3,500 schools across the country benefit from the programme.

Breastfeeding

178. It is estimated that, in 2013, 21.5 per cent of infants were breastfed exclusively for the first six months of life.[17]

179. In 2010, the first study to monitor compliance with the International Code of Marketing of Breast-milk Substitutes in Panama was conducted. The study indicated that cereals are marketed for consumption by infants under 6 months of age and that baby formula is widely consumed at the urging of family members, on the recommendation of health-care professionals, or in one case on the recommendation of a visiting doctor or representative.

180. In response, the National Commission for the Promotion of Breastfeeding promotes efforts to support breastfeeding, guides the national breastfeeding policy and calls for the adoption of the baby-friendly hospital initiative. In addition, since 2012, pasteurized breast milk banks have been established in major hospitals throughout the country.

181. A new study to monitor compliance with the Code is scheduled for 2017.

182. Other plans and programmes to combat malnutrition and food security are as follows:

- The Nutritional Health Programme aims to improve the health of individuals through food and nutrition research, education, prevention, care and monitoring, so as to ensure optimal nutrition levels among the population. The Programme benefits the general public as a whole and gives particular attention to the most vulnerable groups in marginalized urban and rural areas;
- The Food Solidarity Programme ensures that members of the public have access to foods that meet their most basic nutritional needs, by selling these foods at subsidized prices;
- Family Vouchers for the Purchase of Food are provided through the Opportunities Network Programme, with the aim of ensuring food and nutrition security, education, primary health care and training in agricultural production for families living in extreme poverty. It entails the conditional transfer of a voucher for food purchases to families living in extreme poverty;
- The Rural Productivity Project promotes the participation of organized, small-scale rural producers in productive partnerships, helping to increase productivity and ensuring the sustainable use of natural resources and the conservation of biodiversity.

C. Well-being of children and prevention of communicable and non-communicable diseases

183. It is estimated that, from 2011 to 2014, a total of 143 children and young persons up to 19 years of age died of contagious diseases. Of these, 71 died from tuberculosis, 50 from diseases associated with the human immunodeficiency virus (HIV), 14 from acute respiratory infections, 7 from hepatitis and 1 from malaria.

184. National average rates of immunization with the polio vaccine, the bacillus Calmette-Guérin vaccine, the pentavalent and hexavalent vaccines and the hepatitis B vaccine range between 80 and 100 per cent.

[17] According to the 2013 Multiple Indicator Cluster Survey.

185. The National Advisory Committee on Immunization Practices coordinates prevention policy, focusing on three areas: epidemiological surveillance, research and training. The Expanded Programme on Immunization is being carried out for children under 4 years of age, with differentiated care provided to children under 1 year of age.

186. The vaccination system in Panama has been strengthened by extending community services through a strategy that makes it possible for the entire population to have access to vaccines by means of house-to-house immunization; mobile medical services in isolated areas; the placement of stationary and mobile vaccination posts in busy areas, including transport terminals; and national campaigns.

187. In 2014, with support from the Pan American Health Organization, the Updated Vaccinations Campaign was launched to increase vaccination coverage in 29 districts of the country. The Campaign primarily benefited children between 5 and 10 years of age, pregnant women, and adults over 60 years of age. Vaccines included in the National Immunization Plan were administered, such as: influenza, rotavirus, papilloma, hexavalent, pentavalent, hepatitis A and B, and measles, mumps and rubella vaccines. More than 20,000 full schedules of vaccines were administered to children less than 1 year of age.[26]

188. Each year, the Government promotes the Vaccination Week in the Americas in partnership with government agencies, NGOs, religious leaders, and society at large. The initiative aims to strengthen the national vaccination schedule and expand coverage throughout the country for children less than 1 year of age in priority areas. It includes local campaigns and assessment surveys and calls for the continuation of district level immunization plans.

13. Reproductive health rights of young persons and measures to promote a healthy lifestyle (CRC/C/PAN/CO/3-4, para. 57)

189. In 2014, a total of 10,735 teenage pregnancies were reported throughout the country when these teenage girls sought care at healthcare facilities run by the Ministry of Health. In 2015, that number increased to 10,976. That same year, 657 pregnant teenagers remained in school during their pregnancy.

190. The Government continues to carry out its policy guaranteeing education for pregnant teenage girls, while offering counselling and ensuring that they remain in school and receive health care.

191. Aware of the need for a legal framework on sexual and reproductive education, the Government is encouraging the adoption of bill No. 61, which calls for policies on comprehensive education, health care and health promotion. The bill is currently in its second reading before the National Assembly.

192. Although this legal framework is not yet in place, the education and health sectors are carrying out measures to fulfil the State's obligations in this regard.

193. Such actions include the drafting of a set of guidelines on comprehensive sex education for teachers in elementary, middle and secondary schools. These guidelines have been developed and approved by an inter-agency and multidisciplinary committee comprising representatives of the Ministry of Education, the Ministry of Health, the National Institute for Women, teacher training universities and NGOs.

194. Teachers have been appointed as school health promoters. Their duties include promoting health and providing guidance on health matters in schools.

[26] http://www.minsa.gob.pa

195. The health sector provides human resources and logistical support for the conducting of blood tests, with the participation of teachers and parents, as a means of prevention and awareness-raising. In partnership with the Ombudsman's Office, efforts are being made to provide training in middle and secondary schools throughout the country on the prevention of HIV and sexually transmitted diseases from a human rights perspective.

Measures to protect children from substance abuse

196. The National Drug Education Programme is implemented in both State-run and private schools. The Strong Families Programme works with families to prevent problems during the teenage years, such as the abuse of legal and illegal substances, aggression and peer pressure. The Programme focuses on developing life skills.

197. The national programme known as "Smoke Hunters" has been implemented since 1995 in collaboration with the National Cancer Association.

198. Currently, the Ministry of the Interior is working jointly with the Ministry of Health to create a care model for young persons in conflict with the law who suffer from drug abuse problems. The model being developed is based on a community therapy model, which refers to therapy provided in closed facilities where patients stay for an extended period of time, usually from 6 to 24 months.

E. Social security and basic childcare services and facilities

199. During the reporting period, quality standards were adopted for community and private Child Counselling Centres, and the renovation and monitoring of these facilities was initiated.[27]

200. Child Counselling Centres run by the Ministry of Social Development are concentrated mostly in urban areas. From 2011 to 2015, a total of 17,177 children throughout the country were assisted by these centres. There are a total of 480 private Child Counselling Centres that are supervised by the Ministry of Social Development and run by municipalities and government institutions.

201. The actions currently being taken in the field of early childhood development are mainly promoted within the context of the Road Map for Comprehensive Care in Early Childhood, through the fixed network of health services, mobile comprehensive health services and the comprehensive health care packages programme, and through the polyclinics that are part of the Social Security Fund, which also covers the Programme for Infants at High Neonatal Risk.

F. Standard of living and measures to reduce poverty and inequality (CRC/C/PAN/CO/3-4, para. 61)

202. The target of halving the percentage of the total population living on less than one dollar per day has been reached, according to the fourth Human Development Report on Panama. That report indicates that, in 1991, 29.2 per cent of the population was living on less than one dollar per day, and that by 2012 that figure had fallen to 9.7 per cent.

203. Within the framework of efforts to achieve the Millennium Development Goals, poverty reduction programmes and projects were strengthened by making them more focused, identifying the causes and effects of poverty, and monitoring the effectiveness of

[27] Ministerial Decision No. 238 of 4 May 2016 adopting quality standards for private, government and community-run Child and Family Counselling Centres.

social programmes. Thanks to these efforts, the percentage of the total population living in poverty or with insufficient income to cover their basic food and non-food needs decreased from 36.6 per cent in 2005 to 25.8 per cent in 2013.[28]

204. The achievements made in reducing poverty and extreme poverty between 2005 and 2013 can be attributed to various factors, including progress achieved in the fields of economics and labour during that period, such as an average economic growth rate of 8 per cent, a drop in unemployment from 9.8 per cent to 4.1 per cent, and an increase of 67.5 per cent in the average wage, which rose from US$ 322.30 to US$ 539.70. These indicators are among the most impressive seen in all of Latin America. In addition, the Social Protection System and the non-contributory transfer programmes, conditional cash transfers and subsidies for poor families in the country were launched.

205. The first half of 2014 saw a slight drop in the percentage of persons living in extreme poverty, which fell from 11.1 per cent in 2013 to 11 per cent, indicating that approximately 5,210 people were no longer destitute. Similarly, the percentage of persons living in general poverty also decreased from 26.2 per cent in 2013 to 25.8 per cent in 2014, indicating that approximately 4,004 persons escaped from poverty. The continuation of the Opportunities Network Programme has played a key role in achieving these results.[29]

206. With a view to achieving the Sustainable Development Goals, the Government Plan is aligned with the 2030 Agenda for Sustainable Development and is supported by the Strategic Plan for Public Investment, which will enable progress towards the achievement of the 17 goals.

207. The Opportunities Network Programme has benefited 82,735 children and young persons in the indigenous regions through the fulfilment of the shared responsibilities set out in the programme.

208. In the 2015 national budget, the central Government has allocated US$ 2.32 million for social investments to meet the needs of the most vulnerable groups in Panamanian society. This is done in demonstration of its commitment to combat poverty, giving priority to health, education and culture, transport, drinking water, employment, social security and protection, community development, housing and basic sanitation.

G. HIV/AIDS (CRC/C/PAN/CO/3-4, para. 59)

209. In 2013, 83.9 per cent of pregnant women were tested for HIV. Of the three forms of HIV transmission, mother-to-child transmission represented 2.7 per cent of all infections reported between September 1984 and September 2014. As at September 2014, the total number of AIDS cases ever reported was 316 for children up to 4 years of age and 81 for children between 5 and 9 years of age.

210. In 2012, some 6,411 people were receiving antiretroviral treatment (including 260 children under 15 years of age and 6,151 adults 15 years of age or older).

211. The health services provided are focused on prevention and care, with strong support from civil society, and antiretroviral treatment is provided free of charge.

[28] According to official data on levels of well-being from the Ministry of the Economy and Finance, which are based on annual household surveys conducted by the National Statistics and Census Institute every August.

[29] The Opportunities Network Programme aims to include families living in poverty and extreme poverty in the country's development, guaranteeing health and education services for these families. These efforts have substantially improved the quality of life for 72,563 households (with more than 362,815 persons benefiting from conditional cash transfers).

212. The 90-90-90 strategy has been adopted, whereby 90 per cent of persons in the country living with HIV are diagnosed, 90 per cent of those diagnosed receive treatment at antiretroviral therapy clinics, and 90 per cent of persons in treatment reach an undetectable viral load.

213. Clinics specialized in antiretroviral treatment have been established with a view to expanding the treatment coverage. In 2014, a total of 15 clinics were operating throughout the country (including one in the Ngäbe Buglé indigenous region and one in the Maria Shelter, which houses minors living with HIV).

214. A legal framework is currently being developed to guarantee the implementation of the State policy on HIV/AIDS, ensuring improvements in diagnosis, prevention, epidemiological surveillance and control of biomedical waste.

215. Through the National Programme on Sexually Transmitted Diseases, HIV and Viral Hepatitis, treatment that is adapted to the needs of children is offered free of charge to all children diagnosed with HIV.

VIII. Education, leisure and cultural activities

A. Right to education, including vocational education and guidance (CRC/C/PAN/CO/3-4, para. 63)

216. The Government is creating an educational programme for students who have dropped out of school. This programme has three key features: a flexible learning schedule; a teaching/learning process that is adapted to the needs of the student; and pedagogical support for learning and the use of technology in order to make the programme more attractive to students. The programme serves as a transitional period lasting for up to 18 months, after which the young person will be able to return to a mainstream classroom or enrol in vocational or technical training.

217. Since 2015, the Ministry of Labour, the Ministry of Education and the National Vocational Training Institute for Human Development have been promoting a programme that provides vocational skills training to young persons 15 years of age or older and to young persons who are not enrolled in the education system. In order to make this possible, the regulations that had previously restricted young persons' access to the training provided by the National Vocational Training Institute for Human Development were amended, and courses suitable for this group were identified, while ensuring that the young persons' physical and mental well-being would not be jeopardized.

218. The national programme that is aimed at providing a second chance for teenagers who leave the school system is also still in operation. This programme is run through the "In Search of a Future" and the "Carpenter's Son" education centres, which offer differentiated education options by providing alternatives in the form of vocational training for children who are not in school.

219. Preschool education is provided for children 4 to 5 years of age and is part of general basic education. It is compulsory and free of charge.

220. The following provide access to preschool education in rural and indigenous areas where there are no formal nursery schools: the Informal Early Education Programmes; Family and Community Early Education Centres; Early Education at Home; and Community Early Education Centres.

221. In 2015, 113,213 children 4 to 5 years of age benefited from preschool education. This amounts to coverage of 77.6 per cent of the total population in that age group, which stands at 145,940 according to data from the National Statistics and Census Institute.

222. Refugees are guaranteed access to education without the need to transfer previously earned academic credits. This was achieved through Executive Decree No. 1225 of 21 October 2015, which establishes measures for certifying diplomas, certificates and credits earned in national and foreign educational institutions.

223. The Universal Grant Programme is conducted in order to prevent school dropout and increase the school enrolment rate and the percentage of students who remain in the education system. The Programme is national in scope and covers all education levels. It encourages parents and legal guardians to participate in the education process by making teacher-parent meetings mandatory in all schools. A total of 500,000 students benefit from the Programme.

224. Since the Programme began, there has been a decrease in the school dropout rate. With regard to primary education, in 2010 the rate was 1.8 per cent, whereas by 2013 it had dropped substantially to 1.1 per cent. As for middle and secondary education, in 2010 the rate was 4.8 per cent, compared with 3.6 per cent in 2013.

225. Merit-based scholarship programmes are still operating, as are support programmes for low-income students from indigenous and rural areas.

226. In 2015, the My School First Project was initiated so that all schools, without exception, would be equipped to provide better quality education. The project benefits a total of 3,600 schools, whose staff are trained to face new local and global challenges.

227. The "Bilingual Panama" Plan 2014-2019 is being implemented, which seeks to strengthen the teaching of the English language in the country's education system. The Plan sets a target of training 25,000 teachers, 100,000 middle and secondary school students and 160,000 elementary and nursery school students, for a total of approximately 285,000 bilingual students.

B. Cultural rights of children belonging to indigenous and minority groups (CRC/C/PAN/CO/3-4, para. 63)

228. The Bilingual Intercultural Education Programme was strengthened with the adoption of the Five-Year Plan for the Bilingual Intercultural Education of Aboriginal Peoples, which was prepared in response to the demands of indigenous peoples.

229. The Plan includes three projects: the strengthening of school management and administration in bilingual intercultural education; the achievement of mass literacy among aboriginal peoples through bilingual intercultural education; and institutional reform to incorporate bilingual intercultural education, including a review of the curricula.

230. To date, the Bilingual Intercultural Education Programme has been implemented in 84 schools, benefiting 85,213 students throughout the various indigenous regions. Further information is contained in Annex 51.

231. Through the My School First Project, shack schools (located in indigenous regions and isolated areas) will be replaced by suitable infrastructure that is tailored to the needs that stem from the social and cultural environment.

232. In 2016, particular focus is being placed on the Ngäbe Buglé indigenous region, where 268 shack classrooms are being replaced by 44 schools, which will benefit an estimated 8,463 students.

C. Human rights education and civic education (CRC/C/PAN/CO/3-4, para. 63)

233. School curricula and textbooks include lessons on ethnic groups and people of African descent, and a human rights approach has been mainstreamed in the curricula on civic education.

234. The National Values Programme is being promoted in coordination with the Ombudsman's Office, and in accordance with Act No. 2 of 30 January 1984, which calls for the systematic teaching and study of human rights to be incorporated into the national education system.

235. The Educate and Re-educate in Human Rights and Values Project is also being carried out, which focuses both on younger students in general basic education and on training for older students as multiplier agents.

IX. Special protection measures

A. Refugee and asylum seeker children (CRC/C/PAN/CO/3-4, para. 65)

236. With a view to the improved integration of refugees, Act No. 74 of 15 October 2013 was adopted, which makes permanent residence an option for refugees who have held refugee status for three years or more.

237. The Government, through the National Office of Refugee Affairs, has worked on a memorandum of understanding for the implementation of the project on quality control and on strengthening the procedure for granting refugee status.

238. This project involves a review of all stages of the procedure for determining refugee status in order to ensure respect for the applicant's right to due process. The recommendations made are implemented simultaneously by the relevant authorities.

239. As a result of these efforts, the treatment of refugee and asylum seeker children and young persons has been improved in the following ways:

- **Issuance of certificates**: all children and young persons seeking asylum are issued with an attestation stating that their asylum application is being processed. This attestation may be extended until their application has been considered;
- **Primary applicants**: in cases where it is determined that the well-founded fear of persecution that led a family to leave their country of origin was based on acts carried out against children and young persons (for example because the children or young persons might have been victims of forced recruitment), the latter are listed as the primary applicant, and their parents are listed as part of their nuclear family;
- **Eligibility interviews**: children and young persons participate in the procedure for granting refugee status, and they have the opportunity to be heard during eligibility interviews. For this purpose, they are assisted by a technical team composed of a social worker, a lawyer and, if necessary, a psychologist, so that they can relate the facts surrounding their application in confidence. This also makes it possible to determine whether the child or young person requires any special follow-up (psychological, psychiatric, etc.) so that they can be referred to the relevant State institutions or the NGOs that have staff who are specialized in various areas;
- **Protocol on the treatment and referral of accompanied and unaccompanied minors in need of international protection**: with the aim of establishing guidelines

for the comprehensive care of minors in need of international protection, the National Office of Refugee Affairs and the National Secretariat for Children, Young Persons and the Family, with the support of RET International, are working on a protocol that will serve as a road map for proper coordination between the two institutions to ensure that children and young persons receive proper care. This protocol is expected to be completed in the coming months.

240. Since 2015, a database has been used to record information about asylum seekers and refugees, making it possible to monitor the processing of individual cases. Minors are also registered in the database.

241. The National Office of Refugee Affairs and the Office of the United Nations High Commissioner for Refugees are working closely together on, inter alia, a campaign on non-discrimination against refugees and training for officials involved in the treatment of refugees. The Ombudsman's Office, with support from the International Organization for Migration, implements an agreement on promoting the protection and dissemination of the human rights of migrants or displaced persons in Panama.

B. Children belonging to a minority or an indigenous group (CRC/C/PAN/CO/3-4, para. 81)

242. The launch of the "My Health First" Programme helped to strengthen and broaden the coverage of and access to primary health-care services, improving the quality of primary care by making it more comprehensive and specialized.

243. It is estimated that by 2016 the Programme will be implemented in 46 health-care facilities, which include health posts, sub-centres, centres and rural hospitals throughout the country, including in health regions such as Darién, Chiriquí and the Ngäbe Buglé indigenous region.

244. The Basic Neonatal and Obstetric Care Strategy was introduced in indigenous areas (Ngäbe, Guna Yala and Emberá). In October 2014, the reference document calling for continued implementation of the Programme was approved, and in the region of Ngäbe Buglé shelters for mothers and children were established.

245. The Committees on Maternal and Child Deaths have been set up to coordinate at the regional and national levels the implementation of strategies to enhance the capacity to provide care to at-risk groups.

246. Supporting materials have been created to train traditional birth attendants, specifically the Manual for Traditional Birth Attendants. The latter have also been equipped with supplies to help them deliver babies in emergency situations.

247. The Directorate for Indigenous Health Issues of the Ministry of Health promotes the preservation of traditional medicine and the human rights of indigenous peoples. The Project to Organize and Develop Traditional Ngäbe Buglé Medicine is currently being carried out with the aim of raising the level of overall health among this group. The Project has been extended until 2017.

248. Efforts to approve the "Epidemiological Profile of Child Health" are moving forward in the indigenous regions of Guna Yala, Emberá Wounaan and Ngäbe Buglé. The Profile includes child health indicators for these population groups, along with related developments and trends, so that it can be used as a frame of reference when planning and carrying out public policies on maternal and child health in these communities.

249. Since 2015, the Healthy Lifestyles Project has been carried out using an intercultural approach to prevent the risk of non-communicable diseases among young people between 15 and 18 years of age, throughout the country including in indigenous regions.

250. A consultation process on the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) has been initiated. In March 2016, the President of the Republic met with leaders from seven indigenous groups in Panama to hear their views on the scope of the implementation of that Convention. In addition, an inter-agency meeting was held by members of the public sector with the ILO Regional Office in Costa Rica and with the Director of the ILO PRO 169 Programme in Switzerland, for the purpose of thoroughly analysing the content of and obligations stemming from that Convention.

B. Children in situations of exploitation, including measures for their physical and psychological recovery and social reintegration

(i) Economic exploitation of children, including child labour (CRC/C/PAN/CO/3-4, para. 67)

251. In 2011, it was estimated that 50,410 children and young persons were working as child labourers. By 2014, that figure had dropped to 26,710.

252. The decrease in the number of minors engaged in child labour is the result of a sustained policy carried out over time, which has helped to achieve these results and to place child labourers into programmes and projects developed by the Government, the private sector, trade unions and civil society.

253. The minimum age for admission to employment remains the same as was reported in the combined third and fourth periodic reports (CRC/C/PAN/3-4, paras. 110-112).

Actions to eradicate child labour

254. The Government has extended until 2019 the Road Map to make Panama a country free of child labour and the worst forms of child labour, and it is working to align its public policies with the Sustainable Development Goals.

255. With a view to joining forces to eradicate child labour by means of agreements, cooperation synergies have been strengthened between the different sectors – Government, civil society, NGOs and the business sector, with the support of ILO and other cooperation agencies.

256. The Government's Direct Assistance Programme has been in operation since 2011, and the project titled "Creating Effective Policies against Child Labour" has been carried out since 2013. In addition to these efforts, the incidence of child labour has also been reduced through programmes launched as part of the Global Compact on corporate social responsibility and through programmes being implemented by the NGO "Casa Esperanza".

257. The Grant Programme for the Eradication of Child Labour is still in effect. Through the Programme, an average of $420 ($35 per month) is transferred for every child worker. From 2011 to 2015, the Programme benefited 6,887 children and young persons throughout the country.

Institutional strengthening and multisectoral coordination

258. With the aim of promoting actions to eradicate child labour and provide protection for adolescent workers, the Child Labour Department of the Ministry of Labour was

reorganized to the level of a directorate and is now the National Directorate to Combat Child Labour and Protect Adolescent Workers.[30]

259. In 2013, Executive Decree No. 107 of 11 June 2013 set out the composition and functions of the Committee for the Elimination of Child Labour and the Protection of Adolescent Workers. The Decree established the aforementioned Committee's responsibilities and the obligation of each member institution to include allocations in their budgets for the actions necessary to fulfil their commitment to help prevent and eradicate child labour.

Eradication of hazardous child labour

260. With regard to the prohibition on hazardous child labour, in 2016 the list of the worst forms of child labour was overhauled. This process involved clarifying the content and scope of the list by means of Executive Decree No. 1 of 5 January 2016, which amended and added articles to Executive Decree No. 19 of 12 June 2006, which had approved the list of forms of hazardous child labour. These are considered to be among the worst forms of child labour.

261. On the basis of the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), one of the objectives of the Committee for the Elimination of Child Labour and the Protection of Adolescent Workers is to address the issue of domestic child labour and take action to prevent and deal with such occurrences.

Inspection and monitoring

262. Within the Directorate to Combat Child Labour and Protect Adolescent Workers, which itself is part of the Ministry of Labour, there is the Department of Supervision and Monitoring, which is responsible for monitoring the employment situation of adolescent workers and ensuring that children are not recruited to work in production sectors. These efforts are carried out in coordination with the Labour Inspection Directorate to ensure compliance with labour regulations and with international conventions.

Work permits for young persons

263. In order to guarantee optimal working conditions for adolescent workers, the Ministry of Labour pursues a policy to ensure that companies comply with legal regulations. This is done by conducting visits to the workplaces and by providing follow-up services to the adolescent workers through an interdisciplinary team, to ensure that they receive continuous education or training.

264. Through the Directorate to Combat Child Labour and Protect Adolescent Workers, work permits are issued to young persons who fulfil the requirements established in labour legislation and the special rules on education, as well as the procedure adopted by the Ministry of Labour.

265. A procedure and requirements for granting work permits have been established, and counselling is provided for the duration of the employment relationship.[31] From 2011 to 2015, a total of 535 work permits were issued nationwide (247 to women and 288 to men).

[30] Ministerial Decision No. RM-57 of 23 February 2010.

[31] Requirements for granting work permits: the adolescent must be between 14 and 17 years of age; must be studying or have completed general basic education; must appear in person, accompanied by their father, mother or legal guardian; must be assessed by the social worker; and must possess a work contract issued by the company where they will work, a certificate of good health, a copy of their

(ii) Sexual exploitation and abuse (CRC/C/PAN/CO/3-4, para. 69)

266. In 2012, the Public Prosecution Service recorded a total of 4,006 alleged cases of offences against sexual freedom and integrity.[32] In 2013, that figure stood at 4,021 cases, of which 1,812 were cases in which the alleged victim was a minor. Further information is contained in Annex 56.

267. The policies and programmes pursued by the national Government are in line with the outcome documents of the World Congresses against the Sexual Exploitation of Children and Adolescents. Hence, the National Plan contains national strategies and multisectoral actions for the prevention and elimination of such exploitation.

268. Through the National Commission for the Prevention of Commercial Sexual Exploitation, which is a technical and administrative body, a number of actions have been taken with various stakeholders to highlight the fact that commercial sexual exploitation is an offence and a violation of the human rights of children and young persons.

269. The National Plan for the Prevention and Elimination of Commercial Sexual Exploitation, which covers the period from 2008 to the present, is currently being implemented.

270. In order to provide care for victims, the Protocol on Comprehensive Care for Child and Adolescent Victims of Sexual Violence of June 2013 is being implemented. This is a mechanism that allows the National Secretariat for Children, Young Persons and the Family to coordinate with other stakeholders.

271. In 2013, the National Commission for the Prevention of Commercial Sexual Exploitation signed a cooperation agreement with the company Tocumen S.A., which is responsible for collecting a tax of one dollar in accordance with Act No. 16 of 31 March 2004. The money collected will be used to fund actions to prevent and prosecute crimes of sexual exploitation.

272. As for awareness-raising campaigns, these are described in detail in part I, on general measures of implementation, in the section on dissemination and awareness-raising. As a result of the action taken to raise awareness and create an impact, improvements have been made with regard to identifying offences.

273. In 2010, the National Commission for the Prevention of Commercial Sexual Exploitation signed an agreement with the Panamanian Hotels Association. Under this agreement, in 2011 and 2012 the Association funded awareness-raising and training activities for managers of hotels and hostels, human resources directors, security personnel, restaurant owners, tour operators, and students and professors from the hospitality and tourism programme taught at the Interamerican University of Panama.

274. One of the key obstacles to combating commercial sexual exploitation is that people are afraid to report it, because in most cases the perpetrators are persons who hold economic power and social influence, and so it is thought that the authorities will not investigate them. In order to overcome these difficulties, training and awareness-raising campaigns have been strengthened.

birth certificate, a certification or receipt of enrolment in the school where they study or a diploma if they have graduated, and a copy of their father, mother or legal guardian's identity card.

[32] Offences against sexual freedom and integrity include the offences of rape, lascivious acts, corruption of minors, pornography, sexual harassment, and paid sexual relations.

(iii) Sale, trafficking and kidnapping (CRC/C/PAN/CO/3-4, para. 71)

275. In 2004, Panama ratified the Palermo Protocol.[33] Act No. 79 of 9 November 2011 initiated the revision of the legal framework and the development of a national policy on the elimination of the sale of and trafficking in persons.

276. The National Committee to Combat Human Trafficking has been established; it comprises State and non-State institutions and civil society organizations and receives support from international organizations.

277. The national policy against trafficking in persons is currently being implemented, as are activities aimed at prevention, protection and assistance for victims and potential victims of human trafficking, whether Panamanians or foreigners who are in Panama or who have been brought to Panama or Panamanians abroad, as well as actions to promote State security in the face of these criminal acts. These actions include efforts to protect and assist minor victims.

278. In 2011, penalties for human trafficking offences were increased to up to 30 years' imprisonment without any statute of limitations.

C. Children in conflict with the law

(i) Administration of juvenile justice (CRC/C/PAN/CO/3-4, paras. 76-78)

Legislation

279. The age of criminal responsibility has remained the same since it was amended by Act No. 6 of 8 March 2010.

280. Pretrial detention is for a period of no more than 9 months and cannot be extended, except for persons accused of intentional homicide, whose pretrial detention may last until the criminal proceedings have ended.[34]

Socio-educational sentences

281. Juvenile court judges may impose three different types of sanctions against adolescents: socio-educational sentences, guidance and supervision orders and custodial sentences.

282. Since 2009, the National Secretariat for Children, Young Persons and the Family has been conducting a re-education programme for children 12 to 14 years of age that oversees the development of training in technical skills, recreational activities, and full academic training.

283. Children in this programme are taught about their rights and duties and are supported through the family strengthening programme, which aims to improve their family

[33] Act No. 23 of 7 June 2004 adopting the United Nations Convention against Transnational Organized Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, which were adopted by the United Nations General Assembly on 15 November 2000; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, adopted in New York on 31 May 2001. Official Gazette No. 25095.

[34] Act No. 40 of 26 August 1999. Arts. 55 and 65.

dynamics and enable them to maintain ties with their family members, become closer to their parents and develop good study habits.

284. According to data from the National Secretariat for Children, Young Persons and the Family, from 2011 to 2015 a total of 193 children and young persons 12 to 14 years of age took part in the re-education programme.

285. For young persons 15 to 17 years of age, the Ministry of the Interior conducts a programme for those against whom the juvenile courts have issued socio-educational sentences, such as mandatory participation in assistance programmes, community work and making amends to the victim.

286. As at May 2016, there were 135 young persons under guidance and supervision orders and 30 young persons under socio-educational sentences, which are intended to create change in the young persons' lifestyle and to ensure that they receive training. The possibility of building a specialized centre for serving and enforcing such sentences is currently being explored.

(ii) Children deprived of their liberty, and detention measures, as a last resort

287. One of the special criminal guarantees established under article 16 (15) of Act No. 40 of 26 August 1999 is the principle of the exceptional nature of the deprivation of liberty, which means that penalties and protective measures that constitute deprivation of liberty are to be imposed restrictively, in the cases provided for by law, for the shortest possible periods of time and only when there are no other feasible options.

288. The Institute for Interdisciplinary Studies of the Ministry of the Interior is the institution responsible for enforcing custodial and non-custodial sentences handed down to young persons between 15 and 17 years of age and for overseeing protective measures, pursuant to Act No. 40 of 26 August 1999.

289. There are separate facilities for young persons under investigation and young persons convicted of an offence. In facilities that operate as both detention centres and prisons, young persons in pretrial detention and young persons convicted of an offence are kept in separate wings.

290. A detention centre is being constructed for young persons who have reached the age of majority and who meet the technical criteria allowing them to continue their treatment under the same conditions, as these conditions are conducive to their reintegration into society. The purpose of this measure is to avoid situations in which these young persons must serve their sentences in adult prisons, which would also constitute an improvement over the conditions in which they are currently being held.

291. The measures taken to improve the centres are described in part V of this report, which addresses the subject of violence against children.

(iii) Training activities for all professionals involved in the juvenile justice system

292. Training activities for all professionals working in the juvenile justice system are carried out on an ongoing basis by the various relevant bodies. In 2015, a workshop titled "Human Rights Standards and Restorative Justice in the Treatment of Adolescents in Conflict with the Law" was organized for staff members of the Institute for Interdisciplinary Studies of the Ministry of the Interior, with support from UNICEF.

293. The Institute for Interdisciplinary Studies carries out a project called "Cooperation with Panama on Security Issues", which is funded by the European Union. The project includes the creation of a training module on the comprehensive intervention model, which

is currently being analysed with a view to documenting best practices. It also includes a training component for guards.

294. In collaboration with the NGO National Center for State Courts, technical personnel are offered training on alternatives to deprivation of liberty. Similar initiatives are being carried out with UNICEF and the NGOs Terre des Hommes and RET International.

295. In May 2016, the Council of Ministers approved the bill to professionalize the prison service, which stipulates that officials of the Institute for Interdisciplinary Studies must undergo specialized training on matters relating to children and young persons. A specialized curriculum map for young persons in conflict with the law is being prepared for this purpose. This bill will be put forward in July 2016.

D. Children in armed conflicts, including their physical and psychological recovery and social reintegration

296. Article 310 of the Constitution stipulates that Panama shall not have an army. Panama is not involved in any armed conflict, either within its territory or abroad.

297. Persons wishing to join the national police must be at least 18 years of age as a prerequisite.[11]

X. Ratification of international human rights instruments (CRC/C/PAN/CO/3-4, para.82)

298. As at the date of the present report, the process to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had not yet been initiated.

299. With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Constitution is at variance with that Convention. Specifically, article 40 of the Convention, which refers to the right to establish associations and trade unions, contradicts article 68 of the Constitution, which states that such associations are to be composed exclusively of Panamanians.

300. In 2015, a lobbying process was initiated to advocate for the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. As at the date of the present report, the Protocol had not yet been ratified.

XI. Cooperation with regional and international bodies (CRC/C/PAN/CO/3-4, para. 83)

301. Panama maintains close cooperation with the inter-American system and in the implementation of the Convention on the Rights of the Child. The State participates on a regular basis in the meetings of the Inter-American Children's Institute and follows up on that body's recommendations and observations.

302. The Ministry of Foreign Affairs coordinates the preparation of the reports that are requested in this regard.

303. Panama has a strategy for cooperation and accountability with international human rights bodies and procedures. In particular, the Government maintains an open dialogue with procedures and bodies of the inter-American human rights system, of which Panama is

[11] Act No. 18 of 3 June 1997. The Police Act. Official Gazette No. 23302.

a member as a country in the Americas, and it complies with the recommendations and rulings issued by that system.

304. Regarding the judgments issued by the Inter-American Court of Human Rights against Panama, of particular note is the judgment of 14 October 2014 (preliminary objections, merits, reparations and costs) in the case of the *Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano and Their Members v. Panama*, giving priority to the protection of collective interests, which extends not only to Panamanian indigenous peoples but also to the children of indigenous peoples of Panama. As part of the central Government's new strategy, Panama has complied with most of the orders made in this judgment.

305. In 2010, the National Secretariat for Children, Young Persons and the Family served as the Vice-Chair of the Steering Committee of the Inter-American Children's Institute. During this period, the Action Plan 2011-2015 was adopted, which includes three main areas of focus: early childhood; assistance for children and young persons during natural disasters and emergencies and violence among children and young persons with a focus on the juvenile justice system; and international trafficking and commercial sexual exploitation of children and young persons. From 2012 to 2014, the National Secretariat chaired the Steering Committee.

XII. Follow-up and dissemination (CRC/C/PAN/CO/3-4, paras. 84-85)

306. In 2012, the National Standing Committee on the Implementation of and Follow-Up to the Human Rights Commitments Made by Panama at the National and International Levels was established to follow up on the recommendations made by United Nations treaty bodies and to promote their inclusion in the annual planning of all State institutions, with a view to their effective implementation.[*]

307. The National Standing Committee, with the support of the Office of the United Nations High Commissioner for Human Rights, is currently planning to develop a system to follow up on treaty body recommendations and to ensure greater participation of civil society.

308. In 2015, the Ministry of the Interior conducted an analysis of the observations made by the Committee on the Rights of the Child, which resulted in improvements to juvenile detention centres and prisons and the introduction of an approach based on the best interests of the child in policies on the treatment of child and adolescent refugees.

309. With the support of the Office of the United Nations High Commissioner for Human Rights, in 2012 a compilation of human rights recommendations issued by various treaty bodies during the period 2001-2011 was published.

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[*] Executive Decree No. 7 of 17 January 2012 establishing the National Standing Committee on the Implementation of and Follow-Up to the Human Rights Commitments Made by Panama at the National and International Levels (art. 3); Official Gazette No. 26953-A.